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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,645	10/29/2003	Patrick R. Lancaster III	02906.0358	4078
7590 03/22/2005 Finnegan, Henderson, Farabow Garrett & Dunner, L.L.P. 1300 I Street, N.W. Washington, DC 20005-3315			EXAMINER GERRITY, STEPHEN FRANCIS	
			ART UNIT 3721	PAPER NUMBER

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

<b>Office Action Summary</b>	<b>Application No.</b> 10/695,645	<b>Applicant(s)</b> LANCASTER ET AL.	
	<b>Examiner</b> Stephen F. Gerrity	<b>Art Unit</b> 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-23,36-48 and 57 is/are allowed.
- 6) ☒ Claim(s) 1-4,9,10,12-14,17,24,25,27,30-34,49-52,54 and 58 is/are rejected.
- 7) ☒ Claim(s) 5-8,11,15,16,26,28,29,35,53,55 and 56 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/10/04</u> . | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 3721

**DETAILED ACTION**

***Information Disclosure Statement***

1. Receipt is acknowledged of an Information Disclosure Statement, filed 10 August 2004, which has been placed of record in the file. An initialed, signed and dated copy of the PTO-1449 form is attached to this Office action.

***Specification***

2. The abstract of the disclosure is objected to because of the use of legal phraseology. Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 9, 12-14, 17 and 49 are rejected under 35 U.S.C. 102(b) as being anticipated by Errani (US 5,168,691).

The Errani reference discloses a wrapping machine and method of wrapping including a clamp (5) for holding the leading end of wrapping material, a rotating turntable (2), a fixed wrapping structure (3), that a portion of the leading end is

Art Unit: 3721

secured to the fixed wrapping structure, that the leading end is released from clamp (5), and the leading end is secured to the load. Errani also discloses that the leading end is overwrapped (col. 3, lines 54 and 55), that the fixed wrapping structure (3) is between the load and the overwrapped film, the load is removed from the wrapping surface (2) by lifting the load (and in when doing such the overwrapped film is released), the wrapping structure (3) can be considered a bar (with regard to claim 14), and that the released leading end is captured by the film as it extends between the load and the dispenser.

5. Claims 24, 25, 27, 30, 34, 50-52 and 54 are rejected under 35 U.S.C. 102(b) as being anticipated by Lancaster et al. (**US 4,204,377**).

The Lancaster et al. reference discloses a method and apparatus for securing a tail end of the film web, the fixed wrapping structure is met by the clamp elements (124). A review of figures 12-23 shows that the film web is distended between the corner of the load and the dispenser with a portion of the fixed wrapping structure (124). The film web is weakened in the initial stage of severing. The Lancaster et al. reference also discloses holding the leading end and releasing the leading end, and securing the released leading end.

Art Unit: 3721

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Errani (US 5,168,691) in view of Lancaster et al. (US 4,204,377).

The Errani reference meets all of applicant's claimed subject matter with the exception of vertically moving the dispenser on a mast. The Lancaster et al. reference teaches that it is old and well known in the art to vertically moved the dispenser on a mast -- figure 1. It would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified the Errani method of wrapping by having provided a mast and to have moved the film web dispenser vertically on the mast, as suggested by Lancaster et al., in order to wrap loads of a greater height. While Errani discloses that the method is applied to short loads it would have been obvious to a skilled artisan to have combined

Art Unit: 3721

the teachings of Errani and Lancaster et al. to arrive at the claimed invention.

8. Claims 31-33 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lancaster et al. (US 4,204,377) in view of Errani (US 5,168,691).

The Lancaster et al. reference meets all of applicant's claimed subject matter with the exception of securing a portion of the leading end of the film web to the fixed wrapping structure prior to releasing the leading end of the film. The Errani reference discloses that it is old and well known in the art to provide a fixed wrapping structure (3), and that it is old and well known to secure a portion of the leading end of the film web to a portion of the fixed wrapping structure prior to releasing the leading end of the web. It would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified the Lancaster et al. method of wrapping by having included wrapping a portion of the leading end of the film web to the fixed wrapping structure prior to releasing the leading end of the film web, as taught by Errani, in order to permit the leading end of the film web to be secured in a manner that captures the leading end of the film web under multiple wraps of the film web.

Art Unit: 3721

***Allowable Subject Matter***

9. Claims 5-8, 11, 15, 16, 26, 28, 29, 35, 53, 55 and 56 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claims 18-23, 36-48 and 57 are allowed.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references listed on the attached form (PTO-892) are cited to show methods and machines for wrapping. All are cited as being of interest and to show the state of the prior art.

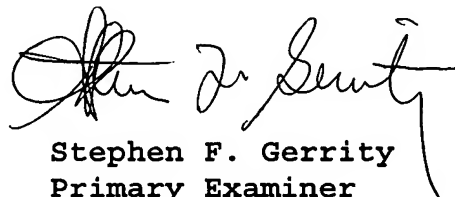
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen F. Gerrity whose telephone number is (571) 272-4460. The examiner can normally be reached on Monday - Friday from 5:30 - 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (571) 272-4467. The fax phone number for the

Art Unit: 3721

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Stephen F. Gerrity  
Primary Examiner  
Art Unit 3721

18 March 2005